

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 08, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

DEMETRIS E. DEAN,
Defendant.

No. 2:15-CR-0022-WFN-1

ORDER DENYING MOTION TO
REDUCE SENTENCE

Pending before the Court is Defendant's Motion to Reduce Sentence. ECF No. 68. Defendant indicates that he submitted a request for compassionate release, but has not received a response within 30 days. Consequently, he has exhausted his claim with the Bureau of Prisons [BOP].

Defendant must demonstrate that "(i) extraordinary and compelling reasons warrant such a reduction; or (ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c) . . . and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g)." 18 U.S.C. § 3582(c)(1)(A). As Defendant is not over 70 years old, he must demonstrate that extraordinary and compelling reasons warrant reduction.

Defendant has not demonstrated extraordinary or compelling reasons warranting a sentence reduction. Each of the rationales Defendant proffered in support of release rely on non-retroactive changes in law or issues more fitting addressed by a 28 U.S.C. § 2255 Motion. Though the Court recognizes that there may be instances where "compelling circumstances justify a reduction of an unusually long sentence" if Defendant were resentenced today based on the current Guidelines he would have the same total offense

1 level (33) and criminal history score (VI) resulting in a suggested range of 235 – 293 months.
2 ECF No. 68. His current sentence is less than that, so the Court cannot conclude his sentence
3 is unusually long.

4 The Court has reviewed the file and Motion and is fully informed. Accordingly,
5 **IT IS ORDERED** that Defendant's Motion to Reduce Sentence, filed January 11,
6 2021, **ECF No. 68**, is **DENIED**.

7 The District Court Executive is directed to file this Order and provide copies to
8 counsel.

9 **DATED** this 8th day of February, 2021.

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WM. FREMMING NIELSEN
12 SENIOR UNITED STATES DISTRICT JUDGE

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